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Amendment After Final Action Under 37 C.F.R. 1.116

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Dated: September 19, 2008

Electronic Signature for Shelly L. Hokenstad: /Shelly L. Hokenstad/

Docket No.: 00-VE22.03D CON1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Patrick E. White et al.

Application No.: 10/807,215

Confirmation No.: 3300

Filed: March 22, 2004

Art Unit: 2616

For: TELEPHONE SERVICE VIA INTERNET
PROTOCOL NETWORKING

Examiner: A. A. Riyami

**AMENDMENT IN RESPONSE TO ADVISORY ACTION FILED CONCURRENTLY
WITH NOTICE OF APPEAL**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Advisory Action dated June 5, 2008, and the Final Office Action dated March 19, 2008 finally rejecting claims 33-54, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior listings of claims in this application.

1-32. (Cancelled)

33. (Currently Amended) A method comprising:

- detecting an off-hook condition of a calling station;
- subsequent to detecting the off-hook condition, receiving dialed digits from the calling station, the dialed digits indicating a call request and a telephone number of a called party;
- providing a request to a routing database, the request including at least a portion of the telephone number of the called party;
- receiving in response to the request an identity of a gateway to the called party;
- sending a first signaling message over a packet-switched data network to the gateway using the identity of the gateway, the first signaling message including the telephone number of the called party and a telephone number of the calling station;
- receiving the first signaling message at the gateway;
- formulating an SS7 signaling message in response to the first signaling message, the SS7 signaling message including the telephone number of the calling station and the telephone number of the called party;
- sending the SS7 signaling message from the gateway over a connection to a public switched telephone network (PSTN) system;
- receiving at the gateway over the connection to the PSTN system an indication that the called party is at least one of busy or available;
- when the ~~calling~~ called party is indicated busy, sending a second signaling message from the gateway over the packet-switched data network indicating the called party is busy;
- when the called party is indicated available, sending a third signaling message from the gateway over the packet-switched data network indicating that the called party is available;
- recording billing information associated with the call request.

34. (Previously Presented) The method of claim 33, wherein the dialed digits include a unique identifier indicating that the call request be routed over the packet-switched data network.
35. (Previously Presented) The method of claim 33, wherein the unique identifier is one of a prefix code, an off-hook condition or a PIN number.
36. (Previously Presented) The method of claim 33, wherein the billing information is associated with the calling station.
37. (Previously Presented) The method of claim 33, wherein the billing information includes billing on at least one of a flat rate basis or a timed basis.
38. (Previously Presented) The method of claim 33, wherein the packet-switched network includes the Internet.
39. (Previously Presented) The method of claim 33, wherein the PSTN is part of a Local exchange Carrier network.
40. (Previously Presented) The method of claim 33, wherein the identity of the gateway includes an IP address of the gateway.
41. (Previously Presented) The method of claim 33, further comprising:
subsequent to detecting the off-hook condition and prior to receiving dialed digits from the calling station, providing dial tone to the calling station.
42. (Previously Presented) The method of claim 33, further comprising:
receiving the request at an IP address database;

translating the at least a portion of the telephone number of the called party into an IP address of the gateway;
providing the IP address of the gateway to the called party as the identity of the gateway.

43. (Previously Presented) A method comprising:
detecting an off-hook condition of a calling station;
subsequent to detecting the off-hook condition, providing dial tone to the calling station;
receiving dialed digits from the calling station, the dialed digits indicating a call request and a telephone number of a called party;
providing a request to a routing database, the request including the telephone number of the called party;
receiving in response to the request an address of a called party computing device associated with the telephone number of the called party;
sending a first signaling message over a packet-switched data network to the called party using the address of the called party computing device, the first signaling message including the telephone number of the called party and a telephone number of the calling station;
establishing a voice communication between the calling station and the called party via the packet-switched data network.

44. (Previously Presented) The method of claim 43, further comprising:
recording billing information associated with the call request.

45. (Previously Presented) The method of claim 44, wherein the billing information is associated with the calling station.

46. (Previously Presented) The method of claim 44, wherein the billing information includes billing on at least one of a flat rate basis or a timed basis.

47. (Previously Presented) The method of claim 43, wherein the dialed digits include a unique identifier indicating that the call request be routed over the packet-switched data network.
48. (Previously Presented) The method of claim 47, wherein the unique identifier is one of a prefix code, an off-hook condition or a PIN number.
49. (Previously Presented) The method of claim 43, wherein the packet-switched network includes the Internet.
50. (Previously Presented) The method of claim 43, wherein the address of the called party computing device includes an IP address.
51. (Previously Presented) The method of claim 43, wherein the routing database includes a Domain Name System (DNS) service.
52. (Previously Presented) The method of claim 43, further comprising:
receiving an indication that the called party is at least one of busy or available;
when the calling party is indicated busy, sending a second signaling message over the packet-switched data network indicating the called party is busy;
when the called party is indicated available, sending a third signaling message over the packet-switched network indicating the called party is available.
53. (Previously Presented) The method of claim 43, further comprising:
receiving the request at the routing database;
translating the at least a portion of the telephone number of the called party into an IP address of the called party computing device;
providing the IP address of the called party computing device as the address of the called party computing device.

54. (Previously Presented) The method of claim 33, further comprising:
establishing a voice communication between the calling station and the called party via the
packet-switched data network.

REMARKS

Applicants respectfully request entry of this response to the Advisory Action, prior to entry of the Notice of Appeal filed herewith. Applicants submit this amendment to claim 33 to correct an inadvertent typographical error.

Any fees due with this response is identified in the accompanying transmittal. However, if any additional fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65632-0187 from which the undersigned is authorized to draw.

Dated: September 19, 2008

Respectfully submitted,

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